

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

**JACKIE GARRETT,
KIMBERLY GARRETT,**

PLAINTIFFS,

vs.

**No. _____
JURY DEMANDED**

ALLSTATE INSURANCE COMPANY,

DEFENDANT

NOTICE FOR REMOVAL OF CIVIL ACTION

TO THE HONORABLE JUDGES OF THE U. S. DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE:

COMES NOW Allstate Insurance Company, by their undersigned attorneys, and
respectfully shows this Court as follows:

1. Petitioner is a defendant in the above and entitled action.
2. On June 2, 2008, Plaintiffs, Jackie Garrett and Kimberly Garrett, commenced the above entitled action against the Petitioner, Allstate Insurance Company in the Chancery Court of Dyer County, Tennessee under cause number 08-CV-526. Attached hereto as Exhibit A is a copy of the Complaint.
3. There have been no proceedings since the filing of the Complaint.
4. The amount in controversy in the above entitled action, exclusive of interest and cost, exceeds \$75,000.00. At the time of the commencement of this

action, and at the time of the filing of this Petition, Plaintiffs allege that they are citizens of the State of Tennessee, residing in Dyer County.

5. At the time of commencement of this action and the filing of this Petition, Petitioner, Allstate Insurance Company, is a corporation, duly incorporated and authorized to do business in the State of Delaware and has its principal place of business in Northbrook, Illinois.
6. The above entitled action is a civil action for insurance proceeds, breach of contract, breach of good faith, fraud, breach of the Tennessee Consumer Protection Act, etc. brought by Jackie Garrett and Kimberly Garrett against Allstate Insurance Company. This claim is a result of a fire, which occurred on or about February 11, 2007 at 169 Burgies Chapel Road, Dyersburg, Tennessee 38024, as more fully appears in the Complaint attached hereto.
7. This Court has original jurisdiction of the above entitled action pursuant to 28 U.S.C. §1332 since diversity of citizenship exists between the parties, and since Petitioner, Allstate Insurance Company, is not a citizen or a resident of the State of Tennessee, wherein the above entitled action is pending, removal of this action to this Court is proper pursuant to 28 U.S.C. §1441 (a), (b).
8. This petition is filed with this court within thirty (30) days after receipt of the summons and Complaint filed by the Plaintiffs. Allstate was served through the Secretary of State on June 6, 2008.

WHEREFORE, PETITIONER PRAYS, that the above entitled action be removed from the Circuit Court of Shelby County, Tennessee to this Court and that Allstate be afforded a trial by jury.

Respectfully submitted,

HOLLEY, WALDROP, NEARN & LAZAROV, P.C.

/s/ David M. Waldrop
David M. Waldrop #13079
Attorney for Allstate Insurance Company
9032 Stone Walk Place
Germantown, Tennessee 38138
(901) 759-3489

CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing has been served upon Jeff Ward, Esquire, Ward Law Firm, PLLC, 99 Doctors Drive, Suite 300, P.O. Box 731, Munford, TN 38058, by placing a copy of same in the U.S. Mail, postage prepaid, this the 23rd day of June, 2008.

/s/ David M. Waldrop
David M. Waldrop